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FM AMEMBASSY SANTO DOMINGO
TO RUEHC/SECSTATE WASHDC PRIORITY 8189
INFO RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUCOWCV/CUSTOMS CARIBBEAN ATTACHE MIAMI FL PRIORITY
RHMCSUU/FBI WASHINGTON DC PRIORITY
RUEAHLK/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY
RUEFHLC/HQS DHS WASHDC PRIORITY

UNCLAS SANTO DOMINGO 001100

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DEPARTMENT FOR WHA/CAR SEARBY, L/LEI FOR TORRES AND MUELLER
DEPARTMENT OF JUSTICE FOR CRIM/OIA ORJALES AND ESTABROOK
US MARSHALS SERVICE PLEASE PASS TO JIM SCHIELD
DEA FOR OF,OFI,DO,DCO

E.O. 12958: N/A

TAGS: [CJAN](#) [CVIS](#) [KCRM](#) [SNAR](#) [DR](#)

SUBJECT: DOMINICAN FUGITIVE RAFAEL COLLADO EXTRADITED TO
THE UNITED STATES

REF: 2004 STATE 24574

¶1. On May 9, 2006, U.S. Marshals returned Rafael Collado to the United States to stand trial in the State of New York (Kings County) for multiple counts of murder and firearms violations, as detailed in indictment number 1664-83, filed on March 24, 1983. As laid out in the indictment, Collado shot to death two individuals during the course of an argument.

¶2. This case was brought before the Dominican government on February 9, 2004, by virtue of an Embassy diplomatic note. Shortly afterward, on March 16, 2004, Dominican President Leonel Fernandez issued decree number 0456-04, ordering the issuance of an arrest warrant for Collado pursuant to the USG request for extradition. Prior to the Dominican Republic's move to an accusatory system and new criminal procedures code (implemented September 27, 2004), presidential decrees were the mechanism used to justify the arrest of a subject sought for extradition.

¶3. Collado was first apprehended by Dominican authorities on or about June 14, 2004. After questioning by members of the Attorney General's office, Collado properly challenged his extradition through the Office of the Presidency on July 5, 2004. The Office of the Presidency took no action to confirm or overturn and Collado remained incarcerated until October 20, 2004, when he was released from custody following a writ of habeas corpus. In granting the writ, the Criminal Court of First Instance (National District) explicitly noted that the competent Dominican authority is "allowed to continue the ongoing procedures related to the extradition request."

¶4. Collado then challenged the validity of the original degree and arrest warrant before the Criminal Chamber of the Dominican Supreme Court on September 28, 2004, based on additional requirements imposed by the new criminal procedures code. The Court's January 5, 2005, decision upheld the authority of the February 9 presidential decree and held Collado's petition challenging extradition to be "inadmissible." Still, Collado remained at large. He was not brought back into custody until his rearrest on April 26, 2007, by DNCD officers.

¶5. The return of Collado marks the 17th Dominican-national fugitive returned through or in lieu of extradition proceedings during CY-2007 (the 8th for FY-2007).
BULLEN